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Attorney Docket No. 5051-668

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Orlin Velev

Confirmation No.: 8437

Serial No.: 10/755,843

Group Art Unit: 1753

Filed: January 12, 2004

For: DROPLET TRANSPORTATION DEVICES AND METHODS HAVING A FLUID SURFACE

Date: April 20, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of January 12, 2004 rather than January 13, 2004 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of January 12, 2004 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 3;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS on January 12, 2004; and
3. A true and accurate copy of our return post card sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of January 12, 2004 instead of the Express Mail date of January 13, 2004.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of January 12, 2004 as the filing date pursuant to 37 CFR § 1.10.

In re: Orlin Velez
Serial No.: 10/755,843
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

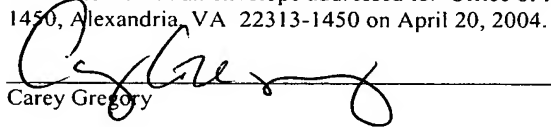


Laura M. Kelley
Attorney For Applicant
Registration No. 48,441

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 20, 2004.


Carey Gregory



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 5051-668

DATE: January 12, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
☒ and claims the benefit of Provisional Application No. 60/439,624; filed January 13, 2003;

Inventor(s) or Application Identifier:

Orlin Velev, Cary, North Carolina

Entitled: **DROPLET TRANSPORTATION DEVICES AND METHODS HAVING A FLUID SURFACE**

Myers Bigel Sibley & Sajovec, P.A.

P. O. Box 37428

Raleigh, North Carolina 27627

Telephone: (919) 854-1400

Facsimile: (919) 854-1401

Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 20 pages of Specification (including 37 claims)
3. ☒ 6 sheets of Informal Drawings (35 USC 113)
4. ☐ Oath or Declaration
 - a. ☐ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

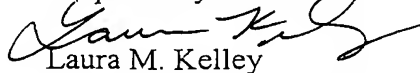
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☐ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and _____ references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of _____ Application No. _____ ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventors(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).)
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☒ Other: Application filed under 37 CFR 1.41(c)

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee.
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	37 - 20 =	17	x 09 = \$153.00	x 18 = \$
INDEP CLAIMS	2 - 3 =	0	x 43 = \$	x 86 = \$
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$538.00	Total \$

- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ _____ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ _____
- ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 - a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted



Laura M. Kelley

Registration No. 48,441

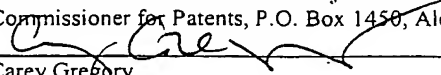


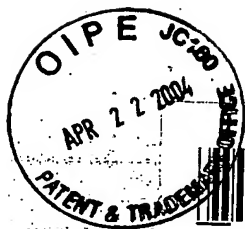
CERTIFICATE OF EXPRESS MAILING

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Date of Deposit: January 12, 2004

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Carey Gregory



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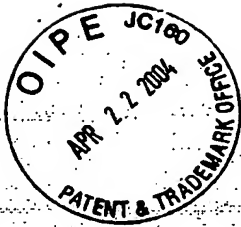
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Date In Mo. Day Year 12 12 2004		Postage <input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM \$ 13.65		Delivery Attempt Mo. Day Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Employee Signature	
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M.S. Patel App
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cmk/g Date: 1/12/04
Doc. No. 5051-608
Serial No. 7314
Inventor: 55 Velier

Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

<input checked="" type="checkbox"/> Application Transmittal and:	<input type="checkbox"/> Check \$
<input type="checkbox"/> Specification pages <u>30</u>	<input type="checkbox"/> IDS & PTO-1449 & <u> </u> refs.
<input checked="" type="checkbox"/> No. of Claims <u>37</u>	<input type="checkbox"/> Amendment & Amend. Transmittal
<input type="checkbox"/> Declaration & POA	<input type="checkbox"/> Preliminary Amendment
<input type="checkbox"/> Assignment and Fee	<input type="checkbox"/> Issue Fee
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Brief
<input checked="" type="checkbox"/> Formal Drawings/ <u>6</u> sheets	<input type="checkbox"/> Appeal
<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Submittal of Priority Doc.
<input checked="" type="checkbox"/> Exp. Mail <u> </u> 1st Class Mail <u> </u>	

Other: Applicant filed under 35 U.S.C. 1.41(c)
17497 U.S. PTO
107755843



011304

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant